

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

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Case No.	<u>2:15-cv-03584-CAS(JEMx)</u>	Date	<u>February 19, 2016</u>
Title	OKECHUKWU OBIOMA UKAEGBE V. SELECT PORTFOLIO SERVICING, INC, ET AL.		

Present: The Honorable	<u>CHRISTINA A. SNYDER</u>		
Catherine Jeang	Not Present		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Not Present		Not Present	

Proceedings: (IN CHAMBERS) - DEFENDANT'S UNOPPOSED EX PARTE APPLICATION FOR AN ORDER (1) TO SHOW CAUSE RE DISMISSAL FOR FAILURE TO PROSECUTE; (2) CONTINUING DATES AND DEADLINES INCLUDING TRIAL; AND (3) COMPELLING PLAINTIFF'S ATTENDANCE AT DEPOSITION (Dkt. 25, filed February 17, 2016)

The Court is in receipt of defendants Select Portfolio Servicing, Inc. ("SPS") and National Default Servicing Corporation ("NDSC") (collectively, "defendants") ex parte application. Dkt. 25. In this application, defendants request that the Court issue an order: (1) to show cause why this litigation should not be dismissed with prejudice for plaintiff's failure to prosecute; (2) continuing dates and deadlines, including trial; and (3) compelling plaintiff's attendance at a deposition. *Id.* Defendants state that this application "is brought on the ground that after Defendants worked this case up and prepared for mediation, deposition, and summary judgment, Plaintiff abruptly disappeared and refuses to participate in the litigation of this case." *Id.* at 1. In particular, defendants note that plaintiff failed to appear for court-ordered mediation on February 10, 2016, refuses to communicate with his own counsel, and that, due to plaintiff's disappearance, plaintiff's deposition noticed for February 23, 2016 will not be going forward. *Id.* In addition, on February 8, 2016, plaintiff's counsel filed a motion to withdraw as counsel. Dkt. 20. Having considered defendant's arguments, the Court finds and concludes as follows:

1. Plaintiff is hereby ordered to show cause via the filing of a written response, on or before March 21, 2016, why this action should not be dismissed for failure to prosecute. Plaintiff is warned that his failure to provide a satisfactory response

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may result in the dismissal of this action. Counsel for plaintiff is ordered to promptly deliver a copy of this order to plaintiff.

2. The Court grants defendants' request for an eight week continuance of the dates and deadlines set forth in the Court's scheduling order entered September 28, 2016. Dkt. 14. This brief extension will permit the Court and the parties to resolve the pending motion to withdraw filed by plaintiff's counsel and the order to show cause. The dates and deadlines are amended as follows:
 - a. The fact discovery cut-off is extended from February 26, 2016 to April 22, 2016. Notwithstanding this extension, the only fact discovery that shall be permitted after February 26, 2016 shall be Plaintiff's deposition.
 - b. The deadline to file motions is extended from April 22, 2016 to June 17, 2016.
 - c. The pre-trial conference and hearing on motions *in limine* is continued from June 20, 2016 to August 15, 2016, at 11:00 a.m.
 - d. The trial is continued from August 2, 2016 to September 27, 2016.
3. The Court declines at this juncture to issue an order compelling plaintiff's attendance at a deposition and defers to the magistrate judge assigned to this case the question of whether an order to compel should issue.

In accordance with the foregoing, the Court **GRANTS in part and DENIES in part** defendant's ex parte application.

IT IS SO ORDERED.

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Initials of Preparer

CMJ